

REMARKS

The present amendment is in response to the Office Action dated April 24, 2007. By this amendment, claims 21, 30, 42, 43, 45, and 49 have been amended and claims 25 and 37 have been canceled. No new claims have been added.

Applicants wish to thank the Examiner for indicating claims 25, 37, and 47-49 include novel subject matter. Claim 21 has been amended to include the elements of claim 25. Claim 30 has been amended to include the elements of claim 37.

Claim 43 has been amended to recite "preparing a registration notification message comprising an unpopulated mobile identification number field," which is the element of claim 49 believed by the applicant to have been found novel by the Examiner. Before this amendment, claim 49 also recited "the information distinguishing the activation message from an ordinary registration order comprises an over-the-air activation function ID." Instead of reciting an over-the-air activation function ID, claim 43 has been amended to recite "a value translatable into an address of an over-the-air activation function processor." Because none of the references cited disclose a value translatable into an address of an over-the-air activation function processor or an over-the-air activation function ID, and applicants amended claim 43 to include the other recitations of claim 49, applicants believe claim 43 is in condition for allowance.

Claims 21, 27-36, 38 and 40-41 stand rejected under 35 U.S.C. § 102, second paragraph as being anticipated by U.S. Patent No. 5,603,084 issued to Henry et al. Claims 27-29 depend from claim 21 and claims 31-36, 38, and 40-41 depend from claim 30. In view of the amendments above to claims 21 and 30, applicants believe this rejection is rendered moot.

Claims 26, 39 and 42-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Henry et al. and further in view of U.S. Patent No. 5,414,750 issued to Bhagat et al. Claim 26 depends from claim 21, claim 39 depends from claim 30, and claims 44-46 depend from claim 42. In view of the amendments above to claims 21, 30, and 43, applicants believe this rejection is rendered moot with respect to all of the claims listed except claim 42. Therefore, applicants respectfully traverse this rejection

with respect to claim 42. However, the arguments presented with respect to the allowability of claim 42 are also applicable to the other claims pending in the application to the extent those claims recite the elements discussed.

According to the present application on page 4, ¶36, if an unactivated mobile station attempts registration, there is no corresponding Home Location Register (“HLR”) associated with that mobile station. Because there is no valid MIN in the mobile station, the global title translation cannot be performed in the signal transfer point (114) in the fixed supporting network. This would normally prevent over-the-air activation because it would not be possible in the prior art to communicate over-the-air activation requests from the mobile station (100) to an over-the-air activation function (“OTAF”) processor (110) in the fixed supporting network.

Correspondingly, it would not be possible download NAM activation parameters from the OTAF processor (110) to the mobile station (100). During the over-the-air activation process, the OTAF processor (110) must deliver the NAM parameters to the mobile station (100). In order to do this, the OTAF processor (110) must have an address of the serving MSC (104), which must have registration information in the VLR (106) for the mobile station (100). The VLR would normally receive such information from the HLR associated with the mobile station (which as explained above, is unactivated and therefore not associated with a HLR). According to the teachings of the present application, the VLR information may be supplied by the OTAF processor (or alternatively, the MSC). Information supplied to the VLR may include the dummy MIN or ESN. As used in the present application, the term “valid MIN” has been used to describe the MIN value transmitted by an activated mobile station. A dummy MIN is a value transmitted by an unactivated mobile station that is translatable into an address of an OTAF processor.

The Office Action appears to be asserting the cellular telephone of Henry et al. inherently registers with the cellular network and therefore anticipates this aspect of claim 42. While Henry et al. teaches calling (manually or automatically) an “unblocked” activation number and providing an initial identification number to the cellular system, Henry et al. is completely silent as to how the unactivated mobile station registers with the cellular system so that the call to the activation number may be

placed. (See column 6, line 63 to column 7, line 2, describing automatically calling an activation number after the telephone is turned on.) Presumably, any unactivated mobile station could register with the cellular system and call the unblocked number. Alternatively, Henry et al. discloses a HLR associated with the unactivated cellular telephone that may arguably be used to register the cellular telephone. (see column 10, lines 39-45, discussing using the HLR to determine whether the telephone has been programmed.) In one instance, Henry et al. mentions disabling autonomous terminal registration but only with respect to the SMS message sent after the activation call. (column 10, lines 9-16) In any event, Henry et al. is silent with respect to if and how the cellular telephone is registered.

In contrast, the over-the-air activation function ID number recited by claim 42 is used to map the message (having a format of an ordinary registration order) to a OTAF processor. If the over-the-air activation function ID number does not map to a OTAF processor, registration will be denied.

Further, in Henry et al., after the call is placed, the cellular system opens a voice channel and an account is set up. After the account is set up, the radiotelephone communication may be terminated. The cellular system can then use the initial identification number to call the mobile station. Alternatively, the keypad of the mobile station may be used to enter the information. Henry et al. also discloses using the initial identification number to identify the mobile station for the purposes of transmitting the MIN to the mobile station during a second radiotelephone communication. In other words, Henry et al. appears to disclose using the initial identification number as a temporary but functional MIN.

In contrast, claim 42 of the present application recites an over-the-air activation function ("OTAF") ID (which may be translated into an address of an OTAF processor). The inclusion of the OTAF ID allows the mobile station to register with the network for the purposes of registration and subsequently, activation. In this manner, the user can subsequently place a call to an activation center, using a special dialed number (such as "1-800-ACTIVATE"). The subscriber can provide information to the activation center, which sends authorization data to the OTAF processor for forwarding to the unactivated mobile station.

Applicants also note claim 42 recites "the message does not comprise a valid mobile identification number," which was present in claim 25 and has been added to claim 21 thereby rendering claim 21 allowable. Therefore, for at least the reasons discussed above, claim 42 is patentable over Henry et al. Because Bhaget et al. does not cure the deficiencies of Henry et al. described above, applicants respectfully request withdrawal of this ground for rejection of claim 42.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicants have made a good faith effort to place all claims in condition for allowance. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 757-8021.

Respectfully submitted,

Davis Wright Tremaine LLP



Heather M. Colburn

Reg. No. 50815

HMC/lkb

1201 Third Avenue
Suite 2200
Seattle, Washington 98101
Phone: (206) 757-8021
Fax: (206) 757-7021

2177714_1.DOC